

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

TERRANCE LAVERNE HUNTER,

Defendant.

Case No. [24-cr-00320-HSG-1](#)

**ORDER GRANTING IN PART AND
DENYING IN PART STIPULATION
VACATING PRETRIAL SCHEDULE
AND TRIAL DATE AND SETTING
MOTION SCHEDULE, AND SETTING
STATUS CONFERENCE**

Re: Dkt. No. 25

The Court held a status conference in this matter on July 17, 2024. Dkt. No. 18. At and before the hearing, the parties represented that Defendant declined to waive time under the Speedy Trial Act, requiring a trial date to be set before August 21, 2024. *See* Dkt. No. 15. Based on this representation, the Court set the trial for August 13, 2024, *id.*, and directed the parties to meet and confer and stipulate to a pretrial schedule, which they did. Dkt. Nos. 17, 20. On July 22, 2024, defense counsel filed a motion to dismiss. Dkt. No. 23.


On January 25, 2024, the day that the parties' pretrial filings were due under the stipulated scheduling order, counsel for the parties submitted a stipulation seeking to vacate the pretrial schedule and trial date, and to set a briefing schedule on the motion to dismiss with a hearing on September 4, 2024, Dkt. No. 25, well after August 21. Missing from the stipulation and proposed order is any order excluding time, or any indication that Defendant himself agrees to the new proposed schedule. The Court understands that time is excluded under 18 U.S.C. § 3161(h)(1)(D) (and potentially eventually (H)) based on the filing of the motion, but the parties need to submit a stipulation and proposed order to that effect. The stipulation also needs to reflect whether or not Defendant himself agrees to the exclusion of time through at least September 4, 2024.

Under the circumstances, the Court will not vacate the trial date yet. But it will suspend the deadlines set for July 25, 2024 in the scheduling order until further notice, and the parties do

not need to submit those filings today. The Court also converts the pretrial conference now set for July 30, 2024 at 12:00 p.m. to a status conference.

IT IS SO ORDERED.

Dated: 7/24/2024


HAYWOOD S. GILLIAM, JR.
United States District Judge

United States District Court
Northern District of California